

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-10922

Francis X. Moore

v.

Internal Revenue Service

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 12/8/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 19, 2006.

Sarah A. Thornton, Clerk of Court

By:

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled
case is hereby acknowledged this date: 1/24/06

D. Barchas
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, STAY

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10922-DPW**

Moore v. Internal Revenue Service
Assigned to: Judge Douglas P. Woodlock
Cause: 26:7401 IRS: Tax Liability

Date Filed: 05/10/2004
Jury Demand: None
Nature of Suit: 870 Taxes
Jurisdiction: U.S. Government
Defendant

Plaintiff

Francis X. Moore

represented by **Francis X. Moore**
56 Story Street
South Boston, MA 02127
617-269-0941
PRO SE

V.

Defendant

Internal Revenue Service
United States Government

represented by **Elizabeth L. Davis**
U.S. Department of Justice, Tax
Division
555 4th Street, NW
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ATTORNEY TO BE NOTICED

Lydia Bottome Turanchik
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ATTORNEY TO BE NOTICED

Counter Claimant

Internal Revenue Service
United States Government

represented by **Lydia Bottome Turanchik**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth L. Davis
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Francis X. Moore

represented by **Francis X. Moore**
(See above for address)
PRO SE

Date Filed	#	Docket Text
05/10/2004	•1	COMPLAINT Filing fee: \$ 150.00, receipt number 321-55732, filed by Francis X. Moore.(Jenness, Susan) (Entered: 05/10/2004)
05/10/2004	•	Summons Issued as to Internal Revenue Service, U.S. Attorney and U.S. Attorney General (Jenness, Susan) (Entered: 05/10/2004)
05/10/2004	•	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Jenness, Susan) (Entered: 05/10/2004)
07/01/2004	•2	MOTION for Extension of Time to August 10, 2004 to File Answer (<i>Request to Extend Answer Deadline</i>) by Internal Revenue Service. (Attachments: # 1 Text of Proposed Order) (Bottome, Lydia) Additional attachment(s) added on 7/6/2004

		(Rynne, Michelle). (Entered: 07/01/2004)
07/01/2004	•	Judge Douglas P. Woodlock : Electronic ORDER entered granting 2 MOTION for Extension of Time to August 10, 2004 to File Answer (Request to Extend Answer Deadline) by Internal Revenue Service. (Greenberg, Rebecca) (Entered: 07/01/2004)
07/30/2004	•3	ANSWER to Complaint, COUNTERCLAIM against Francis X. Moore by Internal Revenue Service.(Bottome, Lydia) (Entered: 07/30/2004)
08/03/2004	•4	NOTICE of Scheduling Conference: Scheduling Conference set for 9/9/2004 at 3:00 PM in Courtroom 1 before Judge Douglas P. Woodlock. (Greenberg, Rebecca) (Entered: 08/03/2004)
09/01/2004	•5	CERTIFICATION pursuant to Local Rule 16.1 by Internal Revenue Service.(Bottome Turanchik, Lydia) (Entered: 09/01/2004)
09/01/2004	•6	<i>Joint Statement Made Pursuant to Local Rule 16.1(d)</i> re Scheduling Conference by Internal Revenue Service and Francis Moore.(Bottome Turanchik, Lydia) Text Modified on 9/1/2004 (Rynne, Michelle). (Entered: 09/01/2004)
09/09/2004	•	Electronic NOTICE OF RESCHEDULING: Due to inclement weather, the Scheduling Conference previously set for 9/9/04 is RE-SET to 9/14/2004 at 11:00 AM in Courtroom 1 before Judge Douglas P. Woodlock. (Greenberg, Rebecca) (Entered: 09/09/2004)
09/14/2004	•	Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock : Scheduling Conference held on 9/14/2004. Schedule set. See Scheduling Order for further details. (Court Reporter Pam Owens.) (Greenberg, Rebecca) (Entered: 09/14/2004)
09/14/2004	•7	Judge Douglas P. Woodlock: SCHEDULING ORDER entered: discovery is to be completed by JANUARY 7, 2005, unless shortened or enlarged by Order of this Court; motions for summary judgment are to be filed by FEBRUARY 14, 2005, after completion of the necessary discovery and responses are to be filed by MARCH 14, 2005; counsel is subject to electronic filing requirements; a further hearing date will be set at a later time, if necessary.(Greenberg, Rebecca)

		(Entered: 09/14/2004)
09/29/2004	● <u>8</u>	Document disclosure by Internal Revenue Service.(Bottome Turanchik, Lydia) (Entered: 09/29/2004)
12/07/2004	● <u>9</u>	Assented to MOTION for Extension of Time to February 11, 2005 to Complete Discovery by Internal Revenue Service. (Bottome Turanchik, Lydia) (Entered: 12/07/2004)
12/20/2004	● <u>10</u>	Judge Douglas P. Woodlock : Electronic ORDER entered granting <u>9</u> Motion for Extension of Time to Complete Discovery. Discovery due by 2/11/2005. Motions due by 4/14/2005. (Rynne, Michelle) (Entered: 12/20/2004)
04/08/2005	● <u>10</u>	Joint MOTION to Stay <i>Proceedings</i> by Internal Revenue Service, Internal Revenue Service.(Bottome Turanchik, Lydia) (Entered: 04/08/2005)
04/08/2005	● <u>11</u>	Judge Douglas P. Woodlock : Electronic ORDER entered granting <u>10</u> Motion to Stay. Parties shall file a status report every 45 days re: settlement as to American Legion Post #368. (Rynne, Michelle) (Entered: 04/08/2005)
05/20/2005	● <u>11</u>	STATUS REPORT by Internal Revenue Service. (Bottome Turanchik, Lydia) (Entered: 05/20/2005)
06/23/2005	● <u>12</u>	STATUS REPORT by Internal Revenue Service. (Bottome Turanchik, Lydia) (Entered: 06/23/2005)
06/29/2005	● <u>13</u>	NOTICE of Hearing: Status Conference set for 8/4/2005 03:00 PM in Courtroom 1 before Judge Douglas P. Woodlock. Status report due 7/28/05.(Rynne, Michelle) (Entered: 06/29/2005)
07/27/2005	● <u>13</u>	STATUS REPORT by Internal Revenue Service, Internal Revenue Service. (Bottome Turanchik, Lydia) (Entered: 07/27/2005)
08/04/2005	● <u>14</u>	Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock : Status Conference held on 8/4/2005. Motion for Summary judgment due 9/2/05; opposition due 10/3/05. (Court Reporter Pam Owens.) (Rynne, Michelle) (Entered: 08/04/2005)
09/02/2005	● <u>14</u>	NOTICE by Internal Revenue Service, Internal Revenue Service (Bottome Turanchik, Lydia) (Entered: 09/02/2005)
09/06/2005	● <u>14</u>	NOTICE of Hearing: Status Conference set for 9/20/2005 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock.

		Status report with proposed dates due 9/13/05. (Rynne, Michelle) (Entered: 09/06/2005)
09/12/2005	•15	STATUS REPORT by Internal Revenue Service. (Bottome Turanchik, Lydia) (Entered: 09/12/2005)
09/20/2005	•	ElectronicClerk's Notes for proceedings held before Judge Douglas P. Woodlock : Status Conference held on 9/20/2005. 1-day Non-Jury trial set for 11/16/05 at 9:00 am. Joint pre-trial memorandum due 10/26/05; Final Pretrial Conference set for 2:00 p.m. on 11/2/05. (Court Reporter Pam Owens.) (Rynne, Michelle) (Entered: 09/20/2005)
10/25/2005	•16	PRETRIAL MEMORANDUM by Internal Revenue Service. (Attachments: # <u>1</u> Supplement # <u>2</u> Supplement)(Turanchik, Lydia) (Entered: 10/25/2005)
11/02/2005	•	ElectronicClerk's Notes for proceedings held before Judge Douglas P. Woodlock : Final Pretrial Conference held on 11/2/2005. Plaintiff shall file by 11/14/05 an affidavit as direct testimony. Government shall file exhibit binder by 11/10/05. Non-jury trial previously scheduled for 11/16/05 at 9:00 am. (Court Reporter Pam Owens.) (Rynne, Michelle) (Entered: 11/02/2005)
11/07/2005	•17	NOTICE of Appearance by Elizabeth L. Davis on behalf of Internal Revenue Service, Internal Revenue Service (Davis, Elizabeth) (Entered: 11/07/2005)
11/09/2005	•	Set/Reset Hearings: Bench Trial set for 11/16/2005 09:00 AM in Courtroom 1 before Judge Douglas P. Woodlock. (Rynne, Michelle) (Entered: 11/09/2005)
11/14/2005	•18	AFFIDAVIT of Francis X. Moore by Francis X. Moore. (Nici, Richard) (Entered: 11/14/2005)
11/14/2005	•19	TRIAL BRIEF <i>and Opposition to the Admission of Plaintiff's Exhibits</i> by Internal Revenue Service. (Turanchik, Lydia) (Entered: 11/14/2005)
11/15/2005	•20	Assented to MOTION for Order to Admit Deposition Transcript of Robert Gooch Pursuant to Rule 32(a)(3)(C) & (D) by Internal Revenue Service. (Attachments: # <u>1</u> Memorandum of law# <u>2</u> Exhibit)(Turanchik, Lydia) (Entered: 11/15/2005)
11/15/2005	•21	MOTION to Strike <u>18</u> Affidavit <i>and Exhibit</i> by Internal

		Revenue Service.(Turanchik, Lydia) (Entered: 11/15/2005)
11/15/2005	•22	MEMORANDUM in Support re <u>20</u> Assented to MOTION for Order to Admit Deposition Transcript of Robert Gooch Pursuant to Rule 32(a)(3)(C) & (D) filed by Internal Revenue Service. (Nici, Richard) (Entered: 11/16/2005)
11/16/2005	•	ElectronicClerk's Notes for proceedings held before Judge Douglas P. Woodlock : Bench Trial held on 11/16/2005, <u>20</u> Assented to MOTION for Order to Admit Deposition Transcript of Robert Gooch Pursuant to Rule 32(a)(3)(C) & (D) filed by Internal Revenue Service, - ALLOWED; <u>21</u> MOTION to Strike <u>18</u> <i>Affidavit and Exhibit</i> filed by Internal Revenue Service. - DENIED. All identified exhibits accepted into evidence. Affidavit of Mr. Moore accepted as directed testimony, Government cross-examines Mr. Moore. Plaintiff rests. Government moves for judgment as a matter of law - taken under advisement. Government calls Joseph Cannata; plaintiff cross-examines. Government rests. Court rules from the Bench. Court rules for defendant against plaintiff for reasons stated in open court and reflected in the stenographer's notes. Government shall submit a form of judgment by close of business 11/17/05 (Court Reporter Pam Owens.) (Rynne, Michelle) (Entered: 11/16/2005)
11/17/2005	•23	Proposed Document(s) submitted by Internal Revenue Service. Document received: Judgment. (Turanchik, Lydia) (Entered: 11/17/2005)
11/17/2005	•24	Judge Douglas P. Woodlock : ORDER entered. JUDGMENT in favor of Defendant against Plaintiff.(Rynne, Michelle) (Entered: 11/18/2005)
12/08/2005	•25	NOTICE OF APPEAL by Francis X. Moore. receipt # 68743 \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/28/2005. (Nici, Richard) (Entered: 12/13/2005)